

FILED BY MB D.C.

Mar 21, 2023

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - FTP

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-MJ-00025-SMM

UNITED STATES OF AMERICA,

v.

LUIS ESCOTO,

Defendant.

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek M. Maynard)?
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared M. Strauss)?
3. Did this matter involve the participation of or consultation with now Magistrate Judge Eduardo I. Sanchez during his tenure at the U.S. Attorney's Office, which concluded on January 22, 2023?

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

By:



BREEZYE TELFAIR
Assistant United States Attorney
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AO 91 (Rev. 11/11) Criminal Complaint

AUSA Breezye Telfair

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America

v.

LUIS ESCOTO,

Defendant(s)

Case No.

23-MJ-00025-SMM

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CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of Nov. 12, 2022 - Feb. 1, 2023 in the county of Martin in the
Southern District of Florida, the defendant(s) violated:*Code Section*

18 U.S.C. §§ 2252(a)(4)(B) & (b)(2)

18 U.S.C. § 2422(b)

18 U.S.C. §§ 2251(a) & (e)

Offense Description

Possession of Child Pornography

Enticement of a Minor to Engage in Sexual Activity

Production of Child Pornography

This criminal complaint is based on these facts:

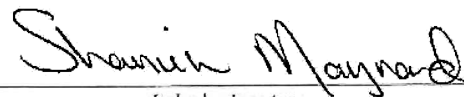
-SEE ATTACHED AFFIDAVIT-

☒ Continued on the attached sheet.*Complainant's signature*

Eric Urgo, Special Agent, Homeland Security Investigations

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by videoconference.

Date: March 21, 2023*Judge's signature*City and state: Fort Pierce, Florida

Shaniek M. Maynard, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Eric Urgo, having been duly sworn, do hereby depose and state as follows:

AGENT BACKGROUND

1. I am a Special Agent (SA) with Homeland Security Investigations (HSI), in Fort Pierce, Florida, and have been employed with HSI since November 2019. Before I joined HSI, I was employed with U.S. Customs and Border Protection (CBP) since 2008. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, I am authorized by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18 of the United States Code.

2. I received formal training at the HSI Special Agent Training Program held at the Federal Law Enforcement Training Center (FLETC), in Glynco, Georgia. Since 2019, I have reviewed numerous examples of child pornography (as defined in 18 U.S.C. § 2256), in all forms of media, and successfully completed specialized trainings related to the investigation of criminal conduct associated with the sexual exploitation of children, and the production, distribution, receipt, and possession of child pornography.

3. As part of my duties as an HSI Special Agent in the Southern District of Florida, I assisted the Martin County Sheriff's Office with its investigation of past sexual abuse allegations involving a minor. Based on the information gathered during this investigation, I believe probable cause exists to arrest Luis **ESCOTO** (date of birth 09/30/1995) for possession of child pornography, in violation of Title 18, United States Code, Sections §§ 2252(a)(4)(B) and (b)(2); production of child pornography, in violation of Title 18, United States Code, Sections 2251(a) and (e); and enticement of a minor, in violation of Title 18, United States Code, Sections 2422(b).

CASE INTRODUCTION

4. I am the federal case agent assigned to this matter and I am familiar with the facts and circumstances of this investigation. The facts in this affidavit are limited to a determination of probable cause, and as such, I have not included every fact known about this investigation. The facts set forth in this affidavit are based on my personal knowledge, training, and experience; knowledge obtained through communications with other individuals, including other law enforcement officers involved in this investigation; and knowledge gained through a review of the statements, interviews, and physical evidence in this investigation.

5. I submit this affidavit in support of a criminal complaint against **ESCOTO** with an authorizing warrant to arrest **ESCOTO** for three (3) violations of Title 18, to wit: (1) 18 U.S.C. § 2251(a), which prohibits the use of a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of that conduct affecting interstate commerce; (2) 18 U.S.C. § 2252 (a)(4)(B), which prohibits possession of a visual depiction of a minor engaged in sexually explicit conduct affecting interstate commerce; and (3) 18 U.S.C. § 2422(b), which prohibits use of a cellphone to persuade, induce, entice, or coerce a minor to engage in unlawful sexual activity, to wit: child pornography, which is also unlawful under Florida State Statute 827.071(3).

PROBABLE CAUSE

6. On January 31, 2023, local law enforcement initiated a criminal investigation into recent allegations of past sexual abuse involving **ESCOTO**, a 27-year-old St. Lucie County resident, and "AP," a 17-year-old Martin County high school student. The investigation began shortly after AP's mother, "SP," reported seeing messages requesting nude images of AP, followed by multiple nude images of AP, in a text thread between AP and an adult male.

7. AP spoke with a school resource officer (SRO) and identified **ESCOTO**, by name, as the adult male in the text thread. AP further acknowledged knowing **ESCOTO**, as a co-worker, during which time AP and **ESCOTO** engaged in sexual activity.

8. The SRO referred the matter to an MCSO detective for further investigation. AP's aunt, who had possession of AP's iPhone, provided it to law enforcement. Additionally, at the request of MCSO Detective, AP's parents provided the passcode to AP's iPhone, and permission to access images and text messages on AP's iPhone. AP was transported to the Child Advocacy Center for a forensic interview with the Child Protection Team.

9. Following the CPT interview, AP's parents gave the MCSO detective permission to take over AP's identity and to use AP's iPhone to continue communicating with **ESCOTO**.

10. Before law enforcement began communicating with **ESCOTO** through AP's phone, law enforcement worked to verify certain statements AP made concerning **ESCOTO**. First, a search in law enforcement databases confirmed the phone number, 772-486-3475, which was used to communicate with AP and received nude images from AP, belonged to **ESCOTO**. Next, law enforcement reviewed messages in the text thread between AP and **ESCOTO**. Through a review of the text messages, law enforcement confirmed AP planned to meet **ESCOTO** Pineapple Park, after school on January 31, 2023. The purpose of the meeting was for **ESCOTO** and AP to engage in sexual activity.

11. On February 1, 2023, law enforcement took over AP's iPhone and began to text **ESCOTO**. The text message "my phone was taken away," was sent to **ESCOTO**. At first, **ESCOTO** was hesitant to believe the text message was from AP. **ESCOTO** posed a specific question, which **ESCOTO** believed only AP would know. Once law enforcement successfully answered the question, **ESCOTO** was convinced he was texting with AP. The following is a

nonsequential excerpt of the exchange between law enforcement and **ESCOTO**, after law enforcement took over AP's text messages:

"AP": "i just got my phone back my parents took it
ESCOTO: "Did they see ?"
ESCOTO: "The messages."
ESCOTO: Just in case.. what color is my car.
 "AP": "red"
ESCOTO: "Ok it's you."

ESCOTO stated he still wanted to meet AP at Pineapple Park, after school, at 3:00pm. Law enforcement agreed, **ESCOTO** instructed AP to cut off her phone, so AP's parents could not track her iPhone, and directed AP where to meet him.

12. Law enforcement detained **ESCOTO** upon his arrival at Pineapple Park. Body worn cameras recorded law enforcement's initial contact with **ESCOTO**. During a Body Worn Camera recorded, post-*Miranda* statement, **ESCOTO** stated he met AP when AP was 17 and he was 26 or 27. **ESCOTO** admitted he traveled to Pineapple Park to meet AP and "100 percent" believed he and AP would engage in sexual conduct. When asked how many times he had sex with AP, **ESCOTO** stated only once. Law enforcement was aware AP recounted five (5) times: three (3) times at Pineapple Park, one (1) time in the parking lot of a Home Depot in Jensen Beach, and one (1) time at **ESCOTO**'s home in Port St. Lucie. When law enforcement told **ESCOTO** his number did not match AP's number, **ESCOTO** apologized and later confirmed he had sex with AP on five (5) different occasions at the following locations: inside **ESCOTO**'s car at Pineapple Park, inside **ESCOTO**'s car at a Home Depot parking lot in Jensen Beach, and inside **ESCOTO**'s room at **ESCOTO**'s family home in Port St. Lucie.

13. As the post-*Miranda* statement continued, **ESCOTO** confirmed he requested nude images of AP for sexual pleasure. Law enforcement is aware from AP, that AP did not feel comfortable sending **ESCOTO** nude images. **ESCOTO** persistently pressed AP, over the phone,

to send nude images. After **ESCOTO** sent image examples of how AP should pose, AP sent nude images to **ESCOTO** via text message. **ESCOTO** confirmed he received AP's nude images on his iPhone, and further stated AP did FaceTime him while she was in the shower. When asked whether he discarded or distributed AP's nude images, **ESCOTO** admitted he kept the images hidden on his iPhone. **ESCOTO** stated he saved AP's nude images for sexual gratification. **ESCOTO** also admitted to filming AP performing oral sex. According to **ESCOTO**, AP wanted to see how she looked while pleasuring **ESCOTO** mouth to genital. **ESCOTO** recorded a visual depiction of AP, with his iPhone, and never discarded the video.

14. **ESCOTO** told law enforcement he understood law enforcement's need to retrieve the images of AP and provided law enforcement with consent to enter his vehicle and his home for the purpose of retrieving his electronic devices. **ESCOTO** also provided law enforcement with passcodes and consent to review images and text messages on three (3) electronic devices. Law enforcement seized two (2) iPhones and one (1) iPad from **ESCOTO**. When asked whether he communicated with AP on other message applications, **ESCOTO** recalled chat messages with AP via Remind. **ESCOTO**'s Remind account was locked and not accessible. **ESCOTO** was subsequently arrested and charged with violations of Florida law.

15. AP's parents provided law enforcement with AP's login and passcode for Remind. Based on a review of AP's account, communication on Remind between AP and **ESCOTO** started Saturday, November 12, 2022, and ended Monday, January 30, 2023.

- a. The following communication occurred between AP and **ESCOTO**, via Remind, on January 30, 2023:

AP:	"i've never sent a pic before, idk how it's supposed to be."
ESCOTO:	"Like how onlyfans do it, a side picture with no clothes on, Like in a bathroom."
AP:	"side pic?, idk what ur talking abt, also idk what onlyfans is."
ESCOTO:	"A n a k e d Picture girl."

16. Based on a review of text messages and images stored on **ESCOTO**'s black iPhone, which was retrieved from **ESCOTO**'s car, law enforcement is aware communication on January 30, 2023, continued between **ESCOTO** and AP. The following is a list of non-sequential text messages sent from **ESCOTO**'s iPhone to AP's iPhone, on January 30, 2023:

- i. "I can wait.. till we're allowed to meet after April;"
- ii. "Like after your birthday. Your legally allowed;"
- iii. "when you graduate from school, we won't have to deal with much trouble from anyone."
- iv. "Cool and a picture like without clothes if you want;"
- v. "You never know if we get caught or you have to go silent to avoid getting intro (sp) trouble...;"
- vi. "A sexy picture would be nice;"
- vii. "Just take a picture before you shower;"
- viii. "I think that's the best way to put it;"
- ix. "For other types of positions (sp) I will show you tm like you asked;"
- x. "Is picture of you naked is safer. I can save it and hides it. You get caught and they see it they will be able to identify me; I can save you some for when you turn 18."
- xi. "Example;"
- xii. "It's basically just a nude tho"


The "Example," **ESCOTO** sent to AP was an image of a nude woman. Following **ESCOTO**'s enticement, AP sent **ESCOTO** two (2) nude images of herself.

17. On January 30, 2023, via cellular communication, **ESCOTO** persuaded, induced, enticed, and coerced AP, a minor, to engage in child pornography, in violation of 18 U.S.C. § 2422(b). On February 1, 2023, law enforcement observed two (2) nude images of AP on the black iPhone retrieved from **ESCOTO**'s car. One (1) image displayed AP's breast and one (1) image displayed AP's breast and pubic mound. In a post-*Miranda* statement, **ESCOTO** admitted to possessing the photos for sexual gratification, in violation of 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2).

18. On **ESCOTO**'s red iPhone, which was retrieved from **ESCOTO**'s home, law enforcement located two (2) videos uploaded into **ESCOTO**'s iCloud. Both videos recorded AP performing oral sex on **ESCOTO**. Both videos were uploaded into **ESCOTO**'s iCloud on January 15, 2023. However, based law enforcement's review of Remind chat messages and iPhone text messages between **ESCOTO** and AP, there is reason to believe the video was produced on or about December 8, 2022, in violation of 18 U.S.C. §§ 2251(a) and (e).

19. Based on the aforementioned facts, I submit there is probable cause to issue a criminal complaint and authorizing warrant to arrest Luis **ESCOTO** 18 U.S.C. § 2251(a), which prohibits the use of a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of that conduct affecting interstate commerce; (2) 18 U.S.C. § 2252 (a)(4)(B), which prohibits possession of a visual depiction of a minor engaged in sexually explicit conduct affecting interstate commerce; and (3) 18 U.S.C. § 2422(b), which prohibits use of a cellphone to persuade, induce, entice, or coerce a minor to engage in unlawful sexual activity, to wit: child pornography, which is also unlawful under Florida State Statute 827.071(3).

FURTHER AFFIANT SAYETH NAUGHT.



ERIC URGO, Special Agent
Homeland Security Investigations

Sworn to before me, by video conference, in accordance with the requirements of Rule 4.1 of the Federal Rules of Criminal Procedure, this 21st day of March 2023.



SHANIEK M. MAYNARD
UNITED STATES MAGISTRATE JUDGE